

From: sterren@brandeis.edu
Sent: Tuesday, October 10, 2006 11:33 PM
To: Richardson, Hetty L
Cc: Hanson, Terry
Subject: Public Comment to BEP on Ch 305 rule changes

Hillary Lister
PO Box 129
Athens, ME 04912

October 10, 2006

Public Comment on Chapter 305 Proposed Rule Changes

To Members of the Board of Environmental Protection;

I am writing to voice my objection to proposed changes to the Chapter 305 Wetland and Waterbodies Protection Rules that would effectively encourage the use of Chromated Copper Arsenate-treated wood as erosion control on bodies of water.

The changes, proposed by the DOT according to a DEP memo, would strike out the rule in sections 3(C)(15), 4(C)(14), 9(C)(13), 10(C)(17), 11(B)(16), 13(C)(6), and 15(C)(12), that currently reads "The use of untreated lumber is preferred. Lumber pressure treated with chromated copper arsenate (CCA) may be used, provided it is cured on dry land in a manner that exposes all surfaces to the air for a period of at least 21 days prior to construction."

There seems to be no environmentally protective basis for this rule change. It is illegal to sell this same CCA-treated wood for residential use in Maine as a result of legislation passed in 2003, An Act To Protect Public Health by Reducing Human Exposure to Arsenic (H-490). The primary chemicals used in CCA wood are highly toxic, known carcinogens, and regulated as pesticides by the EPA. Treated wood that is regularly exposed to water or damp soil, as it would likely be if used as erosion control on a body of water, leaches out more chemicals than that which is only occasionally exposed to rainfall. According to the 1993 reports, "'Trophic Transfer of Contaminants from Organisms Living by Chromated-Copper-Arsenate (CCA)-Treated Wood to Their Predators" and "Uptake of Metals from Chromated-Copper-Arsenate (CCA)-Treated Lumber by Epibiota", the chemicals from CCA-treated wood were shown to build up in the bodies and be a threat to the health of marine life such as mussels and snails that were exposed to the treated wood.

With the above considerations in mind, I urge the members of the BEP to maintain the rule that "The use of untreated lumber is preferred" for use as erosion and sedimentation control around bodies of water, and not to strike out rules that offer some level of protection to our water. Safe, healthy drinking water is becoming a rarity, so why increase the threat to that which is left?

I would be glad to share more information on the dangers posed by CCA-treated wood if that would be of assistance. Thanks for taking the time to read this and for looking into the risks posed by the proposed rule change.

Sincerely,
Hillary Lister
Athens, ME